

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMIE T. BIRD,

Plaintiff,

v.

BOARD OF REGENTS OF THE
UNIVERSITY SYSTEM OF
GEORGIA d/b/a VALDOSTA
STATE UNIVERSITY,

Defendant

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Case #

NOTICE OF REMOVAL OF CIVIL ACTION

COMES NOW, Defendant Board of Regents of the University System of Georgia d/b/a Valdosta State University, in the above-styled case, and files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446, and respectfully shows the Court the following:

1. The case of *Jamie T. Bird v. Board of Regents of the University System of Georgia d/b/a Valdosta Sate University*, was filed and is presently pending in the Superior Court of Fulton County, Georgia, the same being Civil Action Number 2021CV344783.

2. Plaintiff contends that Defendant violated federal law, specifically Title VII of the Civil Rights Act of 1964.

3. This Court has jurisdiction in this matter on the basis of federal question jurisdiction pursuant to 28 U.S.C. §§ 1331 and §1441(c).

4. Additionally, there is supplemental jurisdiction regarding the other claims in this action pursuant to 28 U.S.C. §1367.

5. This Notice of Removal has been timely filed within thirty days of initial receipt of Plaintiff's Complaint by Defendant Board of Regents of the University System of Georgia d/b/a Valdosta State University,¹ and is therefore timely pursuant to 28 U.S.C. § 1446 (b)(3).

¹ This Defendant also does not waive and specifically reserves all objections to deficiency of service, process, and service of process and jurisdiction over the person, and venue. *See Seiz v. Quirk*, 2013 WL 12290850, at *1 (N.D. Ga. Jan. 3, 2013)('[R]emoving a case does not waive any subsequent defenses or motions based on a lack of personal jurisdiction."); *Browder v. US Bank Nat'l Ass'n on behalf of holders of Adjustable Rate Mortg. 2007-3 Adjustable Rate Mortg. Backed Pass Through Certificates Serves 2007-3*, No. 110CV00540CAPLTW, 2011 WL 13214243, at *4 (N.D. Ga. Feb. 14, 2011), report and recommendation adopted *sub nom. Browder v. US Bank Nat'l Ass'n*, No. 1:10-CV-540-CAP, 2011 WL 13214244 (N.D. Ga. Mar. 18, 2011) quoting *City of Clarksdale v. BellSouth Telecomms., Inc.*, 428 F.3d 206, 214 n. 15 (5th Cir. 2005) ("A defendant's removal to federal court does not waive its right to object to service of process."); See Charles A. Wright & Arthur R. Miller, *Federal Practice & Procedure*, §1395 (2d ed. 1990)(any defect in service of process in the state action may be asserted in the district court after removal).

6. Venue lies in both the Atlanta Division of the United States District Court for the Northern District of Georgia and in the Valdosta Division of the United States District Court for the Middle District of Georgia pursuant to 28 U.S.C.A. § 1391(b)(1) and (2). Removal of this action to the Atlanta Division of the United States District Court for the Northern District of Georgia is appropriate because this case is pending in the Superior Court of Fulton County, Georgia.

6. True and correct copies of all process, pleadings and orders served in this action are attached hereto as Exhibit "A", as required by 28 U.S.C. §1446(a).

This 19th day of February, 2021.

/s/ G. Todd Carter

G. Todd Carter

Georgia Bar Number: 113601

Special Assistant Attorney

General for Defendant

/s/ Amanda L. Szokoly

Amanda L. Szokoly

Georgia Bar Number: 403412

ATTORNEYS FOR DEFENDANT

BROWN, READDICK, BUMGARTNER,

CARTER, STRICKLAND & WATKINS, LLP

5 Glynn Avenue (31520)

Post Office Box 220

Brunswick, GA 31521

(912) 264-8544

(912) 264-9667 FAX

tcarter@brbcsw.com

aszokoly@brbcsw.com

**CERTIFICATE PURSUANT TO NORTHERN DISTRICT OF GEORGIA
LOCAL RULE 7.1(D)**

I hereby certify that the foregoing pleading is typed in 14-point Times New Roman font and that the pleading conforms to the requirements set forth in Northern District of Georgia Local Rule 5.1.

This 19th day of February, 2021.

/s/ G. Todd Carter

G. Todd Carter

Georgia Bar Number: 113601

Special Assistant Attorney

General for Defendant

BROWN, READDICK, BUMGARTNER,
CARTER, STRICKLAND & WATKINS, LLP
5 Glynn Avenue (31520)
Post Office Box 220
Brunswick, GA 31521
(912) 264-8544
(912) 264-9667 FAX
tcarter@brbcsw.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties with a copy of the foregoing pleading, by depositing the same in the United States mail with adequate postage thereon to assure delivery to:

Holly Hance Maestas
Lawson, Beck & Sandlin, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269

This 19th day of February, 2021.

BROWN, READDICK, BUMGARTNER
CARTER, STRICKLAND & WATKINS, LLP

/s/ G. Todd Carter
G. Todd Carter
Georgia Bar Number: 113601
Special Assistant Attorney
General for Defendant

5 Glynn Avenue
Post Office Box 220
Brunswick, GA 31521
(912) 264-8544
(912) 264-9667 FAX